



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
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June 20, 2013

Rajagopal Sundaram  
361 High Street  
Morgantown, WV 26505

**RE: V13-17 / Chill Berry / 361 High Street  
Tax Map 26A, Parcel 98**

Dear Mr. Sundaram,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369.07(l) as it relates to wall signs at 361 High Street.

The decision is as follows:

**Board of Zoning Appeals, June 19, 2013:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a nine (9) square foot variance from the maximum wall sign standard provided under Article 1369.07(l)(1) and relief from the copy restriction of name and logo of business establishment provided in Article 1369.08 (C) as requested.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary  
[shollar@cityofmorgantownwv.gov](mailto:shollar@cityofmorgantownwv.gov)

## **ADDENDUM A – Approved Findings of Fact**

### **V13-17 / Chillberry's / 361 High Street**

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**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The width of the subject storefront is approximately ten feet, which is overshadowed by the 40-foot width of the restaurant storefront on one side and the 70-foot width of the Met Theater on the other side. The maximum wall sign standard of four feet is less than the maximum area permitted for a suspended sign and would not be recognized or legible by vehicular or pedestrian passersby.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Other businesses on High Street have similar, larger wall signs on their store fronts. Some examples of those businesses are Cold Stone, Tanner's Alley, and Elegant Alley Cat.

**Finding of Fact No. 3** – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The appropriately scaled sign should aid in promoting the sustainability of the stand-alone business in one of the narrowest storefronts along High Street; the continued success of which should contribute to the economic activity, viability, and offerings within the central business district.

**Finding of Fact No. 4** – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance will not contribute to nor mitigate existing traffic congestion. The proposed area of the sign will not alter the existing land use of the subject storefront or neighboring commercial storefronts. The appropriately scaled sign should aid in promoting the sustainability of the stand-alone business in one of the narrowest storefronts along High Street.